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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,442	10/29/2003	Kenji Ueyama	50024-021	4582

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WASHINGTON, DC 20005-3096

EXAMINER
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GREENE, DANA D

ART UNIT	PAPER NUMBER
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3762

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/695,442	<b>Applicant(s)</b> UEYAMA, KENJI	
	<b>Examiner</b> Dana D. Greene	<b>Art Unit</b> 3762	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

Claims 1-18 and new claim 19 remain rejected under the same references disclosed in the Office Action mailed April 6, 2005. The Examiner has given full consideration to the Applicant's response filed on September 6, 2005. However, Applicant's arguments are not persuasive and do not overcome the original rejection.

The examiner has alleged a prima facie case of anticipation with respect to claims 1-3, 6-16, and 18. The mentioned claims are not patentable over Lugo (US 6,287,252, hereinafter "Lugo"). Lugo discloses the structural components of the electrocardiograph recited in independent claim 1 including the plurality of circuits (see col. 5, ln. 1-10, Lugo).

The examiner has pointed to the specific sites in Lugo and Raymond (US 6,282,441, hereinafter "Raymond"). indicating that they be combined in the manner suggested. With this suggestion, one skilled in the art looking to measure acceleration to obtain acceleration data would be disposed to combine the teachings of Lugo and Raymond.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-16, and 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by Lugo. Lugo is considered to disclose:

a portable electrocardiograph comprising a stacked-layer circuit board (see col. 5, ln. 1-3 and fig. 2, Lugo). The disclosed circuit configuration is considered to anticipate the claimed stacked-layer circuit board because both are configured to allow for advantageous arrangement of the electrocardiogram measurement device. In this connection, Lugo discloses a portable communications module that anticipates the claimed portable electrocardiograph (see col. 2, ln. 35-42, Lugo);

an electrocardiogram measurement device that measures an electrocardiogram to obtain electrocardiogram data (see col. 1, ln 45-60, Lugo). The disclosed apparatus for monitoring physiological data is considered to anticipate the claimed electrocardiogram measurement device because both obtain data generated by the patient as it relates to his/her heart disease;

a radio communication device that radio-transmits the electrocardiogram data obtained by said electrocardiogram measurement device in real time (see col. 2, ln. 35-53, Lugo). The disclosed receiver is considered to anticipate the claimed radio communication device because both radio-transmit the electrocardiogram data obtained by the electrocardiogram measurement device;

a stacked-layer circuit board including a plurality of circuit boards and a ground conductor layer provided between any ones of said plurality of circuit boards (see col. 38-42, Lugo). The disclosed detector is considered to anticipate the claimed device because both allow the electrocardiogram measurement device to accurately measure an electrocardiogram based on the faint voltage generated in a body without being affected by the radio waves emitted from the radio communication device.

With reference to claims 8, 18, and 19 Lugo is considered to disclose a computer that receives the electrocardiogram data transmitted from said portable electrocardiograph and has a display unit that displays the received electrocardiogram data (see col. 9, ln. 15-23, Lugo). The disclosed central monitoring station is considered to anticipate the claimed computer because both devices are capable of receiving physiological data.

Referring to claims 2-3 and 9, Lugo is considered to disclose a casing for the electrogram device, radio communication, and circuit board (see col. 9, ln. 30-35, Lugo). The disclosed housing is considered to anticipate the claimed casing because both contain the components of the device, which subsequently allow for the portability.

Claims 6-7 are also rejected under 35 U.S.C. §102(b) as being anticipated by Lugo. Lugo is considered to disclose the alarm sound output device (see col. 2, ln. 43-45, Lugo). The disclosed sensors are considered to anticipate the claimed device that receives alarm signals because both are capable of receiving and generating alarms and transmitting to the radio communication device.

With reference to claims 10-16, Lugo is considered to disclose the use of a network for transmitting electrocardiogram data (see col. 8, ln. 31-35, Lugo). The use of the disclosed network is considered to anticipate the claimed use of both private and public networks because both server to transmit electrocardiogram data.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3762

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lugo in view of Raymond. Lugo is considered to disclose the claimed invention as discussed above, under the anticipatory rejection, except for the claimed accelerometer for measuring the acceleration data. However, Raymond discloses the claimed accelerometer (see col. 7, ln. 54-60, Raymond). It would have been obvious to one of ordinary skill in the art to combine the teachings of Lugo with the accelerometer teaching found in Raymond for the purpose of measuring acceleration to obtain acceleration data.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3762

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana D. Greene whose telephone number is (571) 272-7138. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dana D. Greene



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